

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0323

SENATE ENGROSSED NO. **SB 21** - 1/22/2008

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the interstate
2 enrollment options program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-28A-1 be amended to read as follows:

5 13-28A-1. The secretary of the Department of Education may enter into agreements with the
6 appropriate parties from the ~~state of North Dakota~~ states bordering South Dakota to establish
7 an open enrollment options or tuition regulation program between South Dakota and ~~North~~
8 ~~Dakota~~ each neighboring state.

9 Section 2. That § 13-28A-2 be amended to read as follows:

10 13-28A-2. Any agreement to allow open enrollment between South Dakota school districts
11 and a bordering state's school districts entered into pursuant to this chapter shall specify the
12 following:

13 (1) If ~~North Dakota~~ the bordering state sends more students to South Dakota than South
14 Dakota sends to ~~North Dakota, North Dakota~~ the bordering state, the bordering state
15 will pay South Dakota an amount agreed upon for the excess number of students sent



1 to South Dakota; and

2 (2) If South Dakota sends more students to ~~North Dakota~~ the bordering state than ~~North~~
3 ~~Dakota~~ the bordering state sends to South Dakota, South Dakota will pay ~~North~~
4 ~~Dakota~~ the bordering state an amount agreed upon for the excess number of students
5 sent to ~~North Dakota~~ the bordering state.

6 Section 3. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
7 as follows:

8 Any agreement to allow the regulation of tuition paid between South Dakota school districts
9 and a bordering state's school districts entered into pursuant to this chapter shall specify the
10 tuition rate to be paid by all local school districts on behalf of students enrolled in the school
11 district of a bordering state. However, no tuition regulation program agreement established
12 pursuant to section 1 of this Act may specify a rate of tuition that is greater than one hundred
13 ten percent of the per student allocation as defined in subdivision 13-13-10.1(4).

14 Section 4. That § 13-28A-3 be amended to read as follows:

15 13-28A-3. Any agreement entered into pursuant to this chapter shall specify the application
16 procedures for the enrollment options program between South Dakota and ~~North Dakota~~ the
17 bordering state.

18 Section 5. That § 13-28A-4 be amended to read as follows:

19 13-28A-4. Any agreement entered into pursuant to this chapter shall specify the reasons for
20 which an application for the enrollment options program between South Dakota and ~~North~~
21 ~~Dakota~~ the bordering state may be denied.

22 Section 6. That § 13-28A-5 be amended to read as follows:

23 13-28A-5. Any agreement entered into pursuant to this chapter shall specify that a South
24 Dakota school district is not responsible for transportation for any resident student attending

1 school in ~~North Dakota~~ a bordering state under the provisions of this chapter. However, a South
2 Dakota school district may, at its discretion, provide transportation services for such a student.

3 Section 7. That § 13-28A-7 be amended to read as follows:

4 13-28A-7. ~~For~~ If South Dakota enters into an open enrollment agreement with a bordering
5 state, for the purposes of state aid to education distributed pursuant to chapter 13-13, any student
6 ~~sent open enrolled to a~~ South Dakota district from ~~North Dakota~~ a bordering state is included
7 in the receiving school district's fall enrollment.

8 Section 8. That § 13-28A-8 be amended to read as follows:

9 13-28A-8. ~~For~~ If South Dakota enters into an open enrollment agreement with a border state
10 for the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent
11 to ~~North Dakota~~ a bordering state from South Dakota may not be included in the resident school
12 district's fall enrollment.

13 Section 9. That § 13-28A-9 be amended to read as follows:

14 13-28A-9. Any student whose resident school district does not receive state aid to education
15 under the provisions of chapter 13-13 or 13-37 may not ~~attend school in North Dakota~~ open
16 enroll in the district of a bordering state unless the student's resident school district pays the
17 State of South Dakota an amount equal to the per student allocation as defined in chapter 13-13
18 or 13-37 for each student ~~sent to North Dakota~~ open enrolled to a bordering state.

19 Section 10. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
20 as follows:

21 If South Dakota enters into a tuition regulation agreement with a bordering state, for
22 purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom
23 tuition is paid to a South Dakota district from a bordering state is not included in the receiving
24 school district's fall enrollment.

1 If South Dakota enters into a tuition regulation agreement with a bordering state, for
2 purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom
3 tuition is paid from a South Dakota district to a bordering state's district is included in the South
4 Dakota school district's fall enrollment.

5 Section 11. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 If the rate of tuition specified in a tuition regulation program agreement established pursuant
8 to section 1 of this Act is greater than the per student allocation as defined in subdivision 13-13-
9 10.1(4), any South Dakota school district that pays tuition to a bordering state school district in
10 accordance with that agreement is entitled to the difference between the rate of tuition and the
11 per student allocation for each student for whom tuition is paid.

12 If the rate of tuition specified in a tuition regulation program agreement established pursuant
13 to section 1 of this Act is less than the per student allocation, any South Dakota school district
14 that receives tuition from a bordering state school district in accordance with that agreement is
15 entitled to the difference between the per student allocation and the rate of tuition for each
16 student for whom tuition is received.

17 The entitlements created in this section shall be paid out of money appropriated in the
18 general appropriations act for state aid to education.

19 Section 12. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
20 as follows:

21 Nothing in this Act may be construed to prevent a school district which has a contract with
22 a bordering state from continuing that contract.

23 Section 13. That § 13-28B-1 be repealed.

24 ~~13-28B-1. The secretary of the Department of Education may enter into agreements with the~~

1 ~~appropriate parties from the state of Iowa to establish an enrollment options program between~~
2 ~~South Dakota and Iowa.~~

3 Section 14. That §§ 13-28B-2 to 13-28B-11, inclusive, be repealed.